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Attorney Docket No.: 00960-515 (CRP-145)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Cohen and Sampath
ASSIGNEE: Creative BioMolecules, Inc.
SERIAL NUMBER: 08/851,628 EXAMINER: David S. Romeo
FILING DATE: May 6, 1997 ART UNIT: 1646
FOR: NOVEL THERAPIES FOR CHRONIC RENAL FAILURE

November 9, 2000
Boston, Massachusetts

Assistant Commissioner for Patents
Washington, D.C. 20231

AMENDMENT AND RESPONSE

This paper is in response to the May 9, 2000 Office Action. A check in the amount of \$445.00 is enclosed to cover the petition fee for a three month extension of time pursuant to 37 C.F.R. § 1.17(a)(3). With the extension, these documents are due November 9, 2000. The Commissioner is hereby authorized to charge any additional fees that may be due, or credit any overpayment, to Deposit Account No. 50-0311, Ref. No. 00960-515.

AMENDMENTS UNDER 37 C.F.R. §1.111

In the Claims:

Please amend the claims as follows:

1. (Three Times Amended) A method of improving renal function [treatment for] in a mammal in, or at risk of, chronic renal failure comprising administering to said mammal a therapeutically effective amount of [an OP/BMP renal therapeutic agent] a morphogen, said morphogen comprising an amino acid sequence having at least 70% amino acid sequence homology with the C-terminal seven-cysteine skeleton of human OP-1, amino acids 330-431 of SEQ ID NO:1;

wherein said mammal is not a kidney transplant recipient, and is afflicted with a non-immune, noninflammatory condition [selected from the group consisting of chronic diabetic nephropathy, diabetic glomerulopathy, diabetic renal hypertrophy, hypertensive nephrosclerosis, hypertensive glomerulosclerosis, renal dysplasia, glomerular hypertrophy, tubular hypertrophy, glomerulosclerosis and tubulointerstitial sclerosis];